START\_STATUTE41-1093.03.  Enforcement; fees and costs

A.  Whether or not a petition is filed pursuant to section 41‑1093.02, any individual may file an action in a court of general jurisdiction to challenge an occupational regulation.

B.  To prevail in an action challenging the occupational regulation, the court must find by a preponderance of the evidence that the challenged occupational regulation on its face or in its effect burdens the entry into or participation in an occupation, trade or profession and that this state has failed to prove by a preponderance of the evidence that the challenged occupational regulation is demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern.

C.  If the court finds for the plaintiff, the court shall enjoin further enforcement of the challenged occupational regulation and shall award reasonable attorney fees and costs to the plaintiff.  END\_STATUTE